

Application No.: 09/975385

Case No.: 56390US002

REMARKS**Rejections Under 35 U.S.C. 102/103**

Claims 1, 3-6, 10, 11 and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 866 487 in view of WO 00/39831.

Claims 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 866 487 as applied to claims 1 and 11 and in further view of Carre et al. (5,853,446).

Claims 7-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 866 487 as applied to claims 1 and 12 and in view of Carre et al. (5,853,446), and further in view of Chiu et al. 2401/0007682.

The Examiner correctly notes that EP 0 866 487 fails to describe an optically clear mold and also fails to describe curing the curable material through the mold. The Examiner further stated that it would have been obvious to person of ordinary skill in the art to have cured the curable material of EP 0 866 487 as taught by WO 00/39831.

Accordingly to the MPEP 706.02(j), to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or to combine reference teachings. Second there must be reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

EP 0 866 487 relates to a method of making electronic and glass structures on glass substrates. As summarized at p. 2, lines 40-45, the grooves may be formed by heating the substrate to a deformable state, at least in the surface regions of the substrate where the electrode is to be formed, and embossing the substrate with a ribbed roller to form the grooves. In another embodiment, the grooves are formed by depositing a ribbed inorganic structure on the substrate which defines the groove pattern, e.g. by depositing glass frit structures from an intaglio recessed imaging pattern. In still another embodiment. The grooves are formed by depositing a glass frit layer on a substrate and embossing the glass frit layer using an intaglio recessed imaging pattern.

This third embodiment is described in greater detail at p. 6, lines 10+ of EP 0 866 487.

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"In this method, a coating or layer of frit containing material 22 is deposited from applicator roll 24 directly onto substrate 3. . . The recessed surface 26 of intaglio roll 28 contacts the frit containing material 22 and embosses it to form a free standing structure corresponding to the recessed pattern 26. If needed or desired, the frit coating material 22 may be heated prior to contact with roll 28, to impart sufficient flowability of the frit containing material. This may be achieved for example via radiant h[e]ating, or via hot air being blown onto the layer prior to being contacted by the intaglio roll."

Since the frit containing material is deposited from an applicator roll, "embossed", and may be heated prior to contact with the roll to impart flowability, it is readily apparent that the layer of frit containing material of EP 0 866 487 is of a free standing consistency prior to embossing. Since the frit containing material of EP 0 866 487 is of such free standing consistency, there is no motivation based on the reference to cure the frit containing material through the mold as presently claimed. Curing of the frit containing material decreases its flowability. In contrast, EP 0 866 487 specifically teaches away from decreasing the flowability.

Since there is no motivation to combined EP 0 866 487 with WO 00/39831 as suggested by the Examiner based on the teachings of EP 0 866 487, a prima facie case of obviousness has not been established. Reconsideration and a timely allowance is respectfully requested.

Respectfully submitted,

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Date

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